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SENATE BILL 5482

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State of Washington                      60th Legislature                      2007 Regular Session

By Senators Brown and McCaslin

Read first time 01/22/2007. Referred to Committee on Judiciary.

1            AN ACT Relating to reasonable attorneys' fees for dishonored  
2 checks; and amending RCW 62A.3-515.

3 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF WASHINGTON:

4            **Sec. 1.** RCW 62A.3-515 and 2000 c 215 s 1 are each amended to read  
5 as follows:

6            (a) If a check as defined in RCW 62A.3-104 is dishonored by  
7 nonacceptance or nonpayment, the payee or person entitled to enforce  
8 the check under RCW 62A.3-301 may collect a reasonable handling fee for  
9 each instrument. If the check is not paid within fifteen days and  
10 after the person entitled to enforce the check or the person's agent  
11 sends a notice of dishonor as provided by RCW 62A.3-520 to the drawer  
12 at the drawer's last known address, and if the instrument does not  
13 provide for the payment of interest or collection costs and attorneys'  
14 fees, the drawer of the instrument is liable for payment of interest at  
15 the rate of twelve percent per annum from the date of dishonor, and  
16 cost of collection not to exceed forty dollars or the face amount of  
17 the check, whichever is less, payable to the person entitled to enforce  
18 the check. In addition, in the event of court action on the check, the  
19 court, after notice and the expiration of the fifteen days, shall award

1 reasonable attorneys' fees, and three times the face amount of the  
2 check or three hundred dollars, whichever is less, as part of the  
3 damages payable to the person enforcing the check. This section does  
4 not apply to an instrument that is dishonored by reason of a  
5 justifiable stop payment order.

6 (b)(1) Subsequent to the commencement of an action on the check  
7 (subsection (a)) but prior to the hearing, the defendant may tender to  
8 the plaintiff as satisfaction of the claim, an amount of money equal to  
9 the face amount of the check, a reasonable handling fee, accrued  
10 interest, collection costs equal to the face amount of the check not to  
11 exceed forty dollars, and the incurred court costs, service costs, and  
12 statutory or reasonable attorneys' fees, whichever is less.

13 (2) Nothing in this section precludes the right to commence action  
14 in a court under chapter 12.40 RCW for small claims.

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